

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 RICHARD LEE SATERSTAD,)

Case No. 2:16-cv-01947-APG-CWH

5 Plaintiff,)

6 v.)

7 DRUG ENFORCEMENT ADMINISTRATION,)

REPORT & RECOMMENDATION

8 Defendant.)
9 _____)

10 On August 15, 2016, pro se Plaintiff Richard Lee Saterstad submitted a motion to proceed *in*
11 *forma pauperis* (ECF No. 1) and a complaint (ECF No. 1-1). On September 7, 2017, this Court
12 denied (ECF No. 7) Plaintiff's motion without prejudice, and gave Plaintiff a deadline of thirty days
13 to either pay the filing fee or file a renewed application to proceed *in forma pauperis*.

14 Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil
15 action in federal district court. The court may authorize the commencement of an action "without
16 prepayment of fees and costs or security therefor, by a person who submits an affidavit that includes
17 a statement of all assets" and that he is "unable to pay such fees or give security therefore."
18 28 U.S.C. § 1915(a). Plaintiff was notified that failure to comply with the Court's Order to pay the
19 filing fee or submit a renewed application to proceed *in forma pauperis* would result in the Court
20 recommending dismissal of the action.

21 More than thirty days have elapsed since the Court's Order and Plaintiff has not submitted
22 either a filing fee or a renewed application to proceed *in forma pauperis*.

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1 **RECOMMENDATION**

2 **IT IS HEREBY RECOMMENDED** that Plaintiff's case be dismissed without prejudice.

3 **NOTICE**

4 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in
5 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held
6 that the courts of appeal may determine that an appeal has been waived due to the failure to file
7 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
8 held that (1) failure to file objections within the specified time and (2) failure to properly address and
9 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
10 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
11 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

12 DATED: October 11, 2017

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15 C.W. Hoffman, Jr.
16 United States Magistrate Judge
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